

Deviance and repression in the Netherlands: historical evidence and contemporary problems

Spierenburg, Pieter

Veröffentlichungsversion / Published Version
Zeitschriftenartikel / journal article

Zur Verfügung gestellt in Kooperation mit / provided in cooperation with:
GESIS - Leibniz-Institut für Sozialwissenschaften

Empfohlene Zitierung / Suggested Citation:

Spierenburg, P. (1986). Deviance and repression in the Netherlands: historical evidence and contemporary problems. *Historical Social Research*, 11(1), 4-16. <https://doi.org/10.12759/hsr.11.1986.1.4-16>

Nutzungsbedingungen:

Dieser Text wird unter einer CC BY Lizenz (Namensnennung) zur Verfügung gestellt. Nähere Auskünfte zu den CC-Lizenzen finden Sie hier:
<https://creativecommons.org/licenses/by/4.0/deed.de>

Terms of use:

This document is made available under a CC BY Licence (Attribution). For more Information see:
<https://creativecommons.org/licenses/by/4.0>

DEVIANCE AND REPRESSION IN THE NETHERLANDS.
HISTORICAL EVIDENCE AND CONTEMPORARY PROBLEMS

Pieter Spierenburg(+)

Abstract: This paper presents a few general observations on deviance and repression in a country where the amount of research done so far does not permit a real synthesis. Its conclusions, therefore, must be regarded as tentative. The data have been derived from the author's archival studies and from work done by a few other scholars. General issues raised in the literature on the history of crime and repression in various European countries provide the context for the Dutch evidence. I am starting with a brief discussion of criminality, but my major concern will be with criminal justice and modes of repression, especially with imprisonment. In the last section I will make a few remarks on the contribution of historical study to the understanding of contemporary problems in the field, with special reference to the drug problem.

CRIME AND MARGINALITY

The relationship between criminality and economic conditions constituted one of the first issues dealt with by criminologists. Indeed, the Dutch criminologist Willem Adriaan Bongers pioneered in this research.⁽¹⁾ Studies of crime in preindustrial societies have enhanced our knowledge of the relationship with economic conditions. Douglas Hay, for example, writing on eighteenth-century England, was able, through a careful analysis, to show that 'appropriation' increased in years of high prices and during the aftermath of war (when soldiers were disbanded and employment opportunities shrank). He stressed the importance of differentiating between the settled population and people at the margin of society. Certain groups in the settled population, those people who were normally just able not to steal, were largely responsible for the increase in appropriation in bad years.⁽²⁾ In the Dutch Republic, years of extreme scarcity were hardly known, but there were a few periods with relatively high prices. One such period, 1771-1772, has been made the subject of research; for Amsterdam, the city which is the most thoroughly investigated generally. In these years the rates of prosecuted property offenses rose markedly and this probably reflected an increase in appropriation in the face of poverty. Simultaneously there was an increase in the volume of poor-relief by the various churches and in the total value of goods brought to the municipal pawn-shop. In both cases the amounts spent in 1771-1772 were considerably higher than in the years immediately preceding and following.⁽³⁾ This suggests that the English pattern also prevailed in Amsterdam: in years of scarcity the settled population too was involved in property crimes, while in normal years the marginal sections were mainly responsible.

(+) Address all communications to: Pieter Spierenburg, Erasmus Universiteit Rotterdam. Subfaculteit Maatschappijgeschiedenis i.o.
Dr. Molewaterplein 50, NL-3000 DR Rotterdam, Netherlands.

My own research on Amsterdam, although primarily aimed at punishment, and the work by Faber convey the same impression. It would seem that those prosecuted and kept in preventive custody in the city largely belonged to the non settled population. Even the delinquents punished on the scaffold for property offenses were seldom big, professional thieves. The booty of a theft was so tiny in relation to the risk of punishment, that we have to conclude that these people stole out of necessity.(4) A parallel observation can be made in the case of violence offenses. This is the only category of crimes which is represented among the group held in preventive custody and the group who was not detained but prosecuted on the schoutstrol. For the rest the schoutstrol is concerned only with minor transgressions. The fights and quarrels prosecuted on the schoutstrol involved members of the settled population, while the violent acts committed by marginal people were dealt with in the other series.(5)

Thus the distinction between settled and marginal population adds a new dimension to the discussion of the relationship between crime and economic hardship. This can be illuminated further by taking the studies of criminality in industrializing societies into account. In the Netherlands no studies have been done for this later period, since Bongers' days. Recent studies are available for England, Sweden, France and Germany.(6) It appears that the nineteenth century too witnessed a correlation between peaks in property crime rates and years of depression, but around 1900 in some countries earlier, in others later the correlation weakened and finally disappeared. Thus a new pattern of property crime, less bound up with economic fluctuations, emerged in Europe in the twentieth century. It remains to be investigated whether it also emerged in the Netherlands. The year 1908 was the last in Bongers' research and he found that Dutch theft statistics continued to reflect the business cycle up to then.(7) The twentieth-century pattern seems to be with us still. It is generally agreed that the Western world has witnessed an upsurge of crime in recent years and that this upsurge can be traced back to the 1960's. The Netherlands are no exception to this trend.(8) The crucial fact is of course that the increase in crime rates began during a period of prosperity. The correlation of appropriation with economic hardship appears to be typical of preindustrial and early industrial societies. It was then that a bad year could result in a quarter or more of the population finding themselves below subsistence level, so that suddenly scores of settled people turned into desperados.

Apart from short-term fluctuations, historical studies have dealt with trends. French historians, for example, claimed that a shift from violent crimes to theft took place in the course of the eighteenth century. In England, on the other hand, the long-term trend in property crime rates went downward from the 1590's until about the *1850's*. A still longer-term trend in that country was comprised by the homicide rates, which were on a downward course from the thirteenth century until the twentieth.(10) In the Netherlands, the discussion about trends must be largely confined to Amsterdam again. The rates of prosecuted crime in the city rose steadily throughout the seventeenth century, but the increase merely kept pace with population growth. After 1700, however, a massive decline set in, while the city's population remained more or less stable at slightly over 200,000. The decline concerns the cases prosecuted with the offender in preventive custody, since the number of offenses in the schoutstrol remained relatively stable.(11) In the first series the annual average of prosecutions dropped from some 500 at the end of the seventeenth century to about 100-150 in the middle of the eighteenth.(12)

So far, no satisfactory explanation has been offered for this decline. I

myself put forward a tentative one.(13) Conditions which might have accounted for it, such as a continually rising prosperity or prolonged warfare, did not prevail. Second, it is even more unlikely that the dark number would have increased so markedly. No significant changes can be observed with regard to those factors, such as police effectiveness and the public's willingness to report or prosecute, which are generally agreed to influence the relationship between registered and non-registered crime. The hypothesis that most prosecuted offenses were committed by members of marginal and wandering groups, however, offers a way out. It is possible to criticize the demographic data with regard to these sections of the population. Amsterdam's historical demography has been based on marriages, but the marginal and wandering groups counted among their ranks a large number of people who were not officially married. A second hypothesis is that this section of Amsterdam's population, which to a large extent escaped demographic registration, actually declined in number after 1700. This could explain the downward trend in the number of trials. In that case a stable minority of settled offenders coupled with a shrinking majority of marginal ones would have produced it. This tentative explanation for the longer-term trend again points at the pattern of crime and repression referred to above: marginal groups were especially liable to judicial prosecution. For the 'respectable' lower and lower-middle classes infra-judicial conflict resolution must have played a considerable role.

Although more research has to be done, the evidence on trends and fluctuations in registered crime allows one major conclusion: in the Netherlands as well as in the surrounding countries in the early modern period - and possibly in the nineteenth century as well - prosecuted offenses were committed for a large part by marginal people. Their relatively precarious situation as well as the directions of prosecution policy may account for it. The 'criminalization of the poor', which set in in the course of the sixteenth century and has also been noted for England, probably stood at the beginning of this development.(14) The criminalization of the poor is also reflected in the emergence of houses of correction.

THE RISE OF IMPRISONMENT: THE POOR

Houses of correction were established throughout Western Europe from the second half of the sixteenth century onwards, but in the Dutch Republic the system of confinement was elaborated most fully. The Republic, and especially Amsterdam, also served as the major model for the rest of the European continent. The background to the rise of imprisonment was a transformation of attitudes toward poverty, which can be summarized as follows: in the later Middle Ages two opposite clusters of attitudes toward the poor in general and beggars and vagabonds in particular can be observed. In an older tradition of thought the poor person was 'the poor of Jesus'. He provided the rich with an opportunity to give alms and so to earn heaven. Charity was hardly conditioned: every beggar followed in the footsteps of Christ and every vagrant was a potential pilgrim. A second and more recent approach viewed poverty as a curse rather than as a sacred state. The poor were dangerous and should be supervised. Beggars and vagabonds should be treated with suspicion, since many of them were impostors. Throughout the Middle Ages the first cluster of attitudes clearly prevailed, but in the sixteenth century the values were reversed. More strict and city-controlled systems of poor relief in the first half of the century and the emergence of the first houses of correction in the second half were the main expressions of the change. Licenced begging was severely restricted and in the end begging and vagrancy as such became offenses. Since all vagrants were in principle suspect of theft, ordinances in the Netherlands as well as in other countries

allowed to subject them to torture unconditionally. This approach to vagabonds and the poor in general spread over most of Western Europe in the course of the seventeenth century.

The founding documents and early ordinances of Dutch houses of correction generally mention beggars and vagabonds as potential inmates. One major exception is the resolution by the Amsterdam council of 19 July 1589 ordering the erection of the rasphouse. But also in Amsterdam beggars and vagrants soon became the principal inmates. The resolution had referred to a specific category of offenders: juvenile delinquents who were thought still able to mend their ways and on whom the judges consequently only reluctantly imposed a scaffold punishment. If there were a place to lock them up and keep them busy, they could be chastized in an alternative manner. Untouched by the infamy of the scaffold, the resolution continued, they had a better chance of returning to the path of righteousness.(15) Speaking in 1598, two years after the arrival of the house's first inmates, Cornelis Pietersz Hooft stressed the same motive for its foundation: for some years schepenen had been reluctant to impose the death penalty on young thieves. Therefore the house of correction had been inaugurated.(16) In January of that year Leiden's pensionary reported to his city council on his visit to the Amsterdam institution. He counted three categories of inmates. One consisted of licentious children confined at their parents' request. The other two comprised delinquents: petty offenders who would otherwise have been banished and more serious transgressors of the law who had received a corporal penalty instead of capital punishment.(17)

But, as said before, in the early seventeenth century beggars were the principal category of inmates in Amsterdam. This emerges from the work of Pontanus, published in 1611.(18) His book is the first in a series of descriptions proclaiming the wonders of the expanding metropolis and the house of correction figures among them. According to Pontanus, the problem caused by widespread begging and vagrancy in Holland lay behind its inauguration. Apparently he was unaware of the original motives expressed twenty years earlier and did not even know that the foundation had been decided upon in 1589. He referred to a placard against beggary issued by the provincial Estates in December 1595. Several towns in Holland took specific measures consecutively and the opening of the house of correction, he supposed, was Amsterdam's reaction.(19) That beggars comprised the majority of inmates in the early seventeenth century is confirmed by a booklet, published in 1612, which is specifically devoted to the house of correction. It speaks only of persons asking for alms, being unwilling to work.(20) In 1614 the court ordered the almshouse provosts to pick up everyone illegally asking for alms or wandering about idly and put them in the house of correction without trial. Those rounded up were only taken to court if it was the person in question's fourth arrest.(21)

The association of houses of correction with marginal groups is made explicit in other Dutch towns too. In 1614 the Utrecht magistrates stated that their prison served ... "to prevent the children of poor people from turning to idleness and beggary and instead to teach them an honest trade and the fear of God, further to discipline all other evildoers."(22) When the provincial house of correction of Friesland was reopened in 1654, the Estates declared: "Because of complaints from several quarters, reporting that the inhabitants of this country are considerably troubled by vagabonds and idle and lazy beggars, against whom houses of correction have been erected in other provinces, we have resolved that a house of correction will be reestablished in Leeuwarden".(23) In Utrecht, in 1661 also after a temporary closure, the emphasis was somewhat different: burgomasters and council ...

"learning that youth is tempted into idleness and other irregularities by the riff-raff here, causing decay in families and leading to difficulties for the poor-relief officials, that aged persons (even those who enjoy relief) similarly often lead a licentious life in drunkenness, quarreling, cursing and swearing and brawls coming thereof, have ordered the house of correction to be reopened".(24) These statements can be multiplied.

Thus it is clear that repression of begging and vagrancy and discipline of the poor in general were the primary purposes of houses of correction. The institutions can be called prisons, because the inmates were sent there to be chastized for a certain time and perform forced labor. But the institutions were not criminal prisons. As far as can be ascertained, thieves and similar delinquents formed a minority among the inmates in the seventeenth century. Still, the criminal prison developed out of the house of correction. In the eighteenth century the institutions must certainly be denoted as criminal prisons. This is attested by several data. When houses of correction were opened in the Eastern provinces in the early eighteenth century, condemned delinquents were mentioned as the principal category of prisoners to-be. Authors describing the institutions of several towns in Holland stated as a matter of course that the houses kept criminals of various sorts. A study of seven sample regions spread throughout the Republic revealed that imprisonment accounted for fifteen percent of the courts' sentences.(25) Finally, it should be noted that a number of houses of correction had been tied closely to the poor-relief system and that these ties were severed in the eighteenth century. The observed development was a dual one: not only did the criminal prison emerge on the scene but also, because beggars and vagrants continued to be confined alongside, the association of marginality with criminality intensified.

The rise of the criminal prison was most marked in Amsterdam. For one thing, the city embarked very early on a course toward a differentiated network of institutions. A separate prison for women, the spinhouse, was opened in 1597. A third institution, the workhouse, was established in 1650. It was meant for beggars and vagabonds confined without a trial and for petty and juvenile offenders, of both sexes. Thereafter especially the rasphouse was exclusively a criminal prison. Of course this development meant that in Amsterdam the association of marginality with criminality was slightly less pronounced than in other Dutch towns. Olfert Dapper, writing in 1663, betrayed that the differentiation of institutions was already self-evident to him. He refused to believe that beggars had once been the principal inmates of the rasphouse.(26)

In Amsterdam the houses of correction played a considerable part in the penal system. This emerges clearly from my study of criminal justice in the city.(27) During the period 1650-1750 delinquents sentenced to a public punishment were regularly confined afterwards. The percentage from all public sentences fluctuated between thirty-four and fifty-four. These condemnations involved men and women who were respectively sent to the rasp and spinhouse. Only a few went to the workhouse, which was in accordance with its character. The workhouse had a larger part (from 6 to 13%) of the confinements in non-public cases. Of the delinquents who were not corporally punished on the scaffold one fifth was sentenced to a house of correction throughout the period 1650-1750.(28) Thus imprisonment was a common penal option in early modern Amsterdam.

Similar hard figures for other countries are largely missing. The literature suggests, however, that imprisonment played a role in the penal system in many places. On the other hand, this role may have been most pronounced in

Amsterdam. In the Dutch Republic as a whole the attitudes of the ruling classes toward marginal groups were probably especially repressive. The early and rapid spread of the house of correction points at a determination to deal with the problems of begging and vagrancy which exceeded that shown elsewhere in continental Europe. Hence we may conclude that, as far as imprisonment is concerned, the early modern Netherlands knew a relatively tough repression. The interesting thing is that this toughness scarcely had a parallel in other areas of criminal justice. With regard to the spectacle of the scaffold and the corporal and capital penalties performed there, the Netherlands were in no way exceptional in the European context.(29). And in the case of the prosecution of morals offenses, for example, a relative leniency compared to the surrounding countries prevailed. Brothels were regularly raided in Amsterdam and there were a few waves of sodomy trials from 1730 onwards, but on the whole the magistrates did not really care for enforcing morality.

Thus the pattern of criminal justice in the early modern Netherlands can be described as a peculiar mixture of repressiveness and tolerance. This pattern was also reflected in the treatment of minority groups. Jews enjoyed a relative protection by the magistrates and when fights between them and Christians broke out fighters from both groups were punished. Gypsies, on the other hand, were severely hunted.(30) The mixture of repressiveness and tolerance also appears to manifest itself in the form of a fluctuation over time. In the nineteenth century the Dutch definitely lost their lead in the matter of imprisonment. To be sure, the incarceration ratio, as measured by the number of prisoners per 100,000 inhabitants, sharply increased during the first half of the nineteenth century.(31) But by then the surrounding countries, were incarcerating at a much faster pace and they were surely building more new prisons. Moreover, the incarceration ratio began to go downward again after 1840, starting a steady decline which continued into the 1970's. Consequently, the Dutch ratio has been considerably lower in the twentieth century than that of many other Western countries.(32) Leniency also came to prevail in the Netherlands with regard to the death penalty. Pardons steadily increased from 48% in the decade 1811-1820 to 91% in 1841-1850 and 100% in 1861-1870.(33) In 1870 capital punishment was abolished. Hence the nineteenth century as a whole, and probably the twentieth as well, witnessed a milder repression than the two preceding centuries.

IMPRISONMENT: DEVIANCE AND THE FAMILY

A special form of imprisonment, confinement on request, remains to be discussed. The phenomenon is interesting because it illustrates the separation of criminal justice from other forms of dealing with deviance. As noted above, houses of correction originally served a number of different purposes. Usually their main purpose was to keep beggars and vagrants off the streets. A second category of inmates consisted of such deviants as unruly adolescents, unfaithful wives and heads of households who abused the poor-relief. Finally, criminal offenders were also confined, in one town earlier than in the other. The presence of the second category formed the nucleus of what was to become confinement on request: confinement at the instigation of private persons and on the authorization of but without any initiative taken by the court. From the outset the founders of houses of correction realized that this form of imprisonment might also be attractive to middle-class families or at least to those who had a reputation to lose. Therefore they made separate wards in the institutions, where the inmates were under no obligation to work and visitors were not admitted. Toward the end of the seventeenth century, moreover, privately managed institutions appeared, which were specialized in the detention of those black sheep whose relatives

could afford to pay the price. These prisons came to be known as (ver)beterhuizen. Consequently, in the eighteenth century, the separate wards in the urban institutions often came to be designated as beterhuizen.

After 1700, a private person could either confine another in a beterhuis in which case he would have to pay the costs of the stay, or in a house of correction, in which case he might have to pay as well, because an inmate's labor was seldom sufficient to live on. In both cases, however, confinement on request as a system was by then clearly separated from criminal imprisonment and other forms of detention where the initiative lay with the court. In Leiden petitions for confinement were registered in the gerechtsdagboeken among a wide array of other requests, all of a civil or administrative nature. In Rotterdam they were registered in a separate series starting in 1713. The Court of Holland decided in 1728 to visit those beterhuizen which housed one or more persons confined on its authorization and from then on all records referring to these prisoners were kept in separate dossiers. In general, it appears from the records of various towns that the eighteenth century witnessed the greatest recourse to private confinement. The numbers of initial requests fluctuated between one and four per 10,000 inhabitants per year. These request did of course represent the most extreme cases of intolerable behavior. Moreover, the upper and middle classes used the tool to confinement twice as frequently. We can calculate that among these social groups about six percent of all families had one of its members or another relative confined at some point of the family-cycle.

Two aspects of private confinement are especially relevant in the context of the present paper. First, the behavior for which black sheep were imprisoned was in most cases evidently non-criminal. Alcoholism was the complaint mentioned most frequently and there was no law against drinking too much. Alcoholics were often said to neglect their business and thereby threaten the survival of the family. Insanity was the second category frequently represented in the requests. Although separate madhouses existed, the upper and middle classes preferred to have an insane relative confined in a beterhuis. Next, all kinds of breaches of the standards of morality were mentioned. They ranged from unspecified remarks about a 'bad' or 'ungodly' life to detailed stories of promiscuity or wandering about and not coming home at night. A number of the persons involved might in theory have been charged with a morals offense, but, as noted above, such offenses were rarely prosecuted. This was only done with prostitution, which indeed never figured in requests for confinement. Only two or three prisoners from my sample of 363 requests to the Leiden court were also criminally prosecuted for some offense.

Thus in the eighteenth century, the type of behavior because of which people were imprisoned in a beterhuis was clearly differentiated from criminal behavior. Internally, however, within the population of prisoners confined on request, it is much harder to differentiate. That is the second aspect relevant here. The categories referred to above should not obscure the fact that in reality the petitioners enumerated scores of deviant acts. The prisoners had been living loosely and stayed away at night; or been drinking and threatening the rest of the family; or been out with women and squandering their money. Once their behavior had reached the threshold of unacceptability, their relatives took care to enumerate as many undesirable events and character traits as possible. Even the mad were not really perceived as a distinct category. In the petitions the borderlines between insanity and immorality became blurred and frequently a prisoner was alternately denoted as 'wicked' and as 'not well in his head'. We can conclude that in the eighteenth century the differentiation of deviance was under way but had

gone through a first phase only. Crime had been differentiated from a number of types of non-criminal, unacceptable behavior. But the latter kind of behavior was hardly categorized by contemporaries.

The differentiation of deviance proceeded further, in the Netherlands as well as in other countries, in the nineteenth and twentieth centuries. The rise of new institutions marked this development. In the course of the nineteenth century insane asylums, later called mental hospitals, came to stand on their own.⁽³⁴⁾ In the twentieth century various institutions, such as clinics for alcoholics and juvenile homes, proliferated. But this is of course a familiar story.

IMPLICATIONS FOR THE 1980's

The results of historical research can seldom be applied automatically for the solution of present day problems. But they can be useful in a more indirect way. Historical scholarship often serves to provide a wider context to the issues discussed in our society and helps to reorient thinking about them. It is hoped that the observations contained in this paper make a modest contribution to such an undertaking. I started with the identification of a specific pattern of property crime which was common in preindustrial and early industrial societies. In this case the contrast with modern patterns serves as a base for comparative study. Historical research suggests that the relationship of criminality with economic conditions varies according to the type of society. The conspicuous presence of the marginal sections of the population in the criminal justice system during the early modern period draws our attention to the possibility of a presence of similar groups, maybe more concealed, today. The 'Dutch pattern', a mixture of or alternation between repressiveness and tolerance, may likewise still prevail today. The differentiation of deviance is a long-term process going on into the present and the study of its early phases can illuminate later ones. Associated with it are processes of criminalization and decriminalization, again to be detected by historical study.

The issue of decriminalization takes me to a more specific argument derived from the study of houses of correction. In various Western countries efforts have been made in recent years toward what is called 'diversion'. A report by the Council of Europe defines diversion as "the withholding or discontinuation of criminal proceedings in cases where the criminal justice system is formally competent."⁽³⁵⁾ Instead of being confronted with criminal sanctions, the offender is dealt with by external agencies. Now, the emergence of houses of correction, despite the progression of criminalization it represented in many respects, also had features which fit this model. Notably the imprisonment of petty thieves might well have been regarded by contemporaries as a form of diversion, if the concept had been available to them. Around 1600 the courts generally saw houses of correction as external agencies; the institutions belonged more to the sphere of charity than to the sphere of justice. As noted above, in Amsterdam their introduction was explicitly justified with the argument that, by sparing especially juvenile delinquents and first offenders a scaffold penalty, the houses prevented them from going astray on the criminal path and offered them an opportunity to do useful things, such as learning a trade, instead of being stigmatized. All this sounds very similar to modern arguments in favor of diversion. But from the end of the seventeenth century onwards houses of correction developed into institutions of justice after all and ultimately they were the precursors of today's prisons. This fact should perhaps serve to temper a too optimistic enthusiasm about diversion.

Let me discuss one, more concrete example of a modern parallel to a pre-industrial phenomenon. To study them both together will have a *mutually* illuminating effect. I am referring to a comparison of the situation of drug addicts with that of early modern beggars and vagrants. Drug addicts are today's marginal people. Of course I am not suggesting that the two situations are simply identical. The differences are obvious enough: a preindustrial vs. an industrial context; the rural background of vagabonds vs. the urban habitat of junkies; mercantilist policies vs. the welfare state (still there, although it is in a crisis now); and the possible reasons for a career of marginality which in the early modern period were more clearly centered around a lack of employment opportunities. These and other differences, however, should not obscure the resemblances and the parallelism is worth studying.

The resemblances between the situation of marginal people then and now are to be found in three areas. The first is their way of life. Indeed, the relative precariousness of their existence forms one of the main reasons for denoting both groups as marginal. Several historians have described the way of life of early modern beggars and vagrants.⁽³⁶⁾ Their daily routine was wholly directed toward one goal: survival. By all means they had to acquire money or food and a lot of ingenuity was needed to get it. They had to resuscitate a dwindling charity, confronted with 'respectable' people accustomed to make a distinction between the deserving and the undeserving poor. Since the late 1960's urban ethnographers and other scholars have exploded the myth of the 'retreatist' junkie.⁽³⁷⁾ They showed addicts to be a particularly active group instead: "The surest way to identify heroin users in a slum neighborhood is to observe the way people walk. The heroin user walks with a fast, purposeful stride, as if he is late for an important appointment - indeed, he is".⁽³⁸⁾ As early modern beggars, drug addicts are concerned more or less with sheer survival. They consider themselves sick and heroin is the medicine: the stuff is needed for their well-functioning. To get the money to pay for it demands considerable ingenuity. Exactly how many junkies are stealing is hard to say, just as we don't know this figure for early modern beggars and vagabonds.

This touches on the second area of resemblance: the attitudes of the settled population. In section two of this paper I discussed the new type of attitude toward poverty, breaking through in the sixteenth century, which viewed marginal people essentially as a threat to stability and public order. This was not merely the attitude of the authorities. Several historical studies suggest that it came to be shared by a very large proportion of the settled population. Although traditional charity never died out completely, especially vagrants were perceived in a stereotyped fashion and confronted with widespread hostility. This is of course equally true of junkies today, at least in the Netherlands. It should be added that the parallel also holds as far as the degree of realism is concerned. In both cases the hostility was a mixture of reacting upon a real threat on the one hand and stereotyped perception and fear of 'unadjusted persons in the street' on the other.

The third area of resemblance concerns the degree of effectiveness of the efforts to cope with the problem. In both cases the methods used to deal with marginal people were little successful. With the exception of gypsies, who appear to have been literally chased out of the country by the mid-eighteenth century, beggars and vagrants continued to alarm the authorities and the populace of the Netherlands, despite the threat of compulsory labor in a house of correction. Similarly, methods used to cope with the drug problem, such as methadone programs, have been unsuccessful in the Nether-

lands as well as in the USA. Several studies showed that methadone merely enabled addicts to control their habits.(39)

Finally, it can be noted that the particularly Dutch pattern of a mixture of and alternation between repressiveness and tolerance also manifests itself in contemporary policies toward the drug problem. The shift in the policies of the Amsterdam municipal administration during the winter of 1984-1985 forms an illustrative example. Before that time the administration had not had any clear-cut idea of what to do. Sometimes the city intervened, sometimes a laissez faire attitude prevailed, but in any case there was room for initiatives from below. The most telling expression of tolerance was the existence of a few 'places of connivance' (gedoogruimtes) where drug takers were left undisturbed. The best known of these places was the so-called drug boat.(40)

The drug boat resulted from an initiative taken by the inhabitants of the Nieuwmarkt neighborhood. They lived close to the main coping area of the town (the Zeedijk) and had been confronted with the drug problem for years. The failure of the authorities and the police to mitigate the problem, they argued, made self help by the community necessary. The boat was located in a broad canal along the outskirts of the neighborhood; it was paid for by the city and run by a committee of Nieuwmarkt inhabitants. The people frequenting the boat were drug addicts, almost all black, who had been roaming around the area, squatting in various empty houses. In their place of connivance they used mainly heroin and some cocaine, but dealing was prohibited. The committee attempted to sustain a dialogue with the boat people. It was hoped that this set up would lead to a better mutual understanding between neighborhood community and drug addicts and for a time it worked rather well. The weak point of the project, however, was that in the end it proved impossible to keep dealers from the boat.

In the Fall of 1984, following police raids on several places of connivance, the boat was closed. This coincided with the city administration embracing a new, tougher policy toward the drug problem. Its principal aims were twofold: turning the Zeedijk from a coping area into a respectable street and discouraging foreign, especially German junkies to come to Amsterdam. The first goal seems to have been reached now, by way of a twenty-four hours a day police surveillance in the area. The administration tries to reach its second goal by a propaganda campaign. For example, the magistrates applauded the fact that in 1985 fewer deaths through an overdose have occurred up to now and that German addicts are largely responsible for this decrease. In September 1985 a delegation from the city went to Düsseldorf, the capital of Rheinland Westfalen, to proclaim that Amsterdam's days as 'the Mecca of German drug tourists' were over.(41) Now that the drug boat had been closed, the delegation members explained, and German junkies could only obtain an emergency dose of methadone on showing their return ticket, foreign addicts had better avoid the city.

There is an intriguingly close historical parallel to this mission. The booklet 'history of the amazing miracles' from 1612 likewise proclaimed the success of a new policy. It referred of course to Amsterdam's house of correction. The pamphlet is a satire, explaining how 'St.Raspinus' miraculously cured lame beggars who gratefully offered him bales of rasped wood in his sanctuary. But the message was clear enough: vagrants and beggars had better avoid the city or be unmasked as impostors and forced to perform heavy labor. One crippled beggar, the booklet said, 'heard from the people that St.Raspinus' servants were coming to take him to the house of correction to be cured. Upon hearing this, he was cured already. He threw away his

crutches and ran to the Haarlem gate so fast that the servants were unable to catch up with him'.(42)

FOOTNOTES

- 1 Bongers, 1916 (original edition: Amsterdam, 1905).
- 2 Hay, 1982.
- 3 Gerritsma, 1981.
- 4 Spierenburg, 1984a: 137.
- 5 Faber, 1983: 9194.
- 6 Gatrell/Hadden, 1972; Sundin, 1976; Blasius, 1976; Zehr, 1976.
- 7 Bongers, 1916: 569. See also Bongers, 1950: 100-105.
- 8 See Samenleving en Criminaliteit, pp. 19-24 and 111-122.
- 9 Sharpe, 1982: 190; compare Sharpe, 1984: 177.
- 10 Stone, 1983.
- 11 Faber, 1983: 92.
- 12 A limited rise only took place at the end of the 18th century, also in other regions of the Republic. For the latter, see Diederiks, 1980.
- 13 Spierenburg, 1984a: 153-156.
- 14 For England: Sharpe, 1984: 176; for the Netherlands and Europe generally: Spierenburg, 1984b: 16-24. It is hard to make pronouncements about the extent of the involvement of marginal groups in late medieval crime. Those sentenced to a pilgrimage by courts in the Netherlands, and expected to return, did in any case belong to the settled population. Cf. Herwaarden, 1978.
- 15 Quoted in Wagenaar, 1760: VIII, 233 et seq.
- 16 Hooft, 1925: 81-82.
- 17 Hallema, 1925: 40-41.
- 18 Pontanus, 1614. I am referring to the Dutch edition. The original Latin one was published in 1611.
- 19 Pontanus, 1614: 132 et seq.
- 20 Historie, 1612.
- 21 Handvesten, 1748: 456. In the same year (1614) the Estates of Holland issued a placard against begging, cf. Groot-Placcaatboek: I, 487.
- 22 Quoted in Bijdragen en Mededelingen van het Historisch Genootschap te Utrecht 5 (1882), p. 388.
- 23 Groot Placcaatboek van Friesland, vol. V: 567.
- 24 Groot Placcaatboek von Utrecht, vol. III. 473.
- 25 Diederiks, 1980: 281.
- 26 Dapper, 1663: 425-432.
- 27 Sources: Gemeente-archief Amsterdam, Oud Rechterlijk Archief: confessie-, justitie- and sententieboeken.
- 28 1651-1683: 17%; 1684-1716 and 1717-1749: 21%.
- 29 See Spierenburg, 1984a.
- 30 Ibid.: 169-175.
- 31 Diederiks, 1981: 280.
- 32 Ruller, 1981. See also Bianchi in IAHCCJ-Newsletter, nr. 9 (forthcoming).
- 33 Ruller/Ippel, 1984: 5.
- 34 On the treatment of the insane in the 19th-century Netherlands: Binneveld, 1985.
- 35 Report, 1980: 17.
- 36 See especially Hufton, 1974.
- 37 I am indebted to the seminars of Charles Kaplan at EUR for most of my knowledge of the contemporary drug scene.
- 38 Preble/Casey, 1972: 98.
- 39 See, for instance, Preble/Miller, 1977.

- 40 My analysis of the events connected with the drug boat is based on participant observation.
- 41 See the report in the Volkskrant, 1 October 1985.
- 42 Historié, 1612 (unpaged).

BIBLIOGRAPHY

- Binneveld, Hans: *Filantropie, repressie en medische zorg. Geschiedenis van de inrichtingspsychiatrie*. Deventer 1985.
- Blasius, Dirk: *Bürgerliche Gesellschaft und Kriminalität. Zur Sozialgeschichte Preussens im Vormärz*. Göttingen 1976.
- Bonger, Willem Adriaan (= Bongers, Willem Adriaan): *Criminality and economic conditions*. Translated by Henry P. Horton. Boston 1916.
- Bongers, Willem Adriaan: *Verspreide Geschiedenissen*. Amsterdam 1950.
- Dapper, Olfert: *Historische Beschryving der Stadt Amsterdam*. Amsterdam 1663.
- Diederiks, Herman: *Patterns of Criminality and Law Enforcement during the Ancien Régime: The Dutch Case*, in: *Criminal Justice History I* (1980), pp. 157-174.
- Diederiks, Herman: *Punishment during the Ancien Régime: the case of the 18th century Dutch Republic*, in: Louis A. Knafla (ed.): *Crime and Criminal Justice in Europe and Canada*. Waterloo, Ont. 1979, pp. 273-296.
- Faber, Sjoerd: *Strafrechtspleging en criminaliteit te Amsterdam 1680-1811. De nieuwe menslievendheid*. Arnhem 1983.
- Gatrell, Vic & T.B. Hadden: *Criminal Statistics and their interpretation*, in: E.A. Wrigley (ed.): *Nineteenth century society. Essays in the use of quantitative methods for the study of social data*. Cambridge 1972: 336-396.
- Gerritsma, Bart: *Paupérisme, criminaliteit en conjunctuur*. Amsterdam, 1771/1772, in: *Tijdschrift voor Sociale Geschiedenis* 24 (1981): 374-391.
- Handvesten, ofte Privilegien ende Octroyen mitsgaders Willekeuren, Costumen, Ordonnantien en Handelingen der Stad Amstelredam. 3 vols. Amsterdam 1748.
- Hay, Douglas: *War, dearth and theft in the 18th century: the record of the English courts*, in: *Past and Present* 95 (1982): 117-160.
- Herwaarden, Jan van: *Opgelegde Bedevaarten. Een studie over de praktijk van het opleggen van bedevaarten met name in de stedelijke rechtspraak in de Nederlanden gedurende de late middeleeuwen, ca. 1300-ca. 1500*. Assen, Amsterdam 1978.
- Historie van de wonderlijke mirakelen die in menichte ghebeurt zijn ende noch dagelijcx ghebeuren binnen de vermaerde Coopstadt Aemstelredam: In een plaets ghenaeemt het Tucht-huys, ghelegen op de Heylighewegh. Amsterdam 1612.
- Hoof, Cornelis Pietersz.: *Memorieën en Adviezen II*. ed. H.A.E. van Gelder. Utrecht 1925.
- Hout, Jan van: *Rapporten en Adviezen betreffende het Amsterdamse Tuchtthuis*. Ed. A. Hallema in: *Bijdragen en Mededelingen van het Historisch Genootschap* 48 (1927), pp. 69-98.
- Huften, Olwen H.: *The poor of 18th century France 1750-1789*. Oxford 1974.
- Pontanus, Johannes Isacius: *Historische Beschrijvinghe der seer wijt beroemde Coopstadt Amsterdam*, Amsterdam 1614.
- Preble, Edward & John J. Casey: *Taking care of business: The heroin user's life on the street*, in: David E. Smith & George R. Gay (eds.): *It is so good, don't even try it once. Heroin in perspective*. Prentice Hall 1972, pp. 97-118.
- Preble, Edward & Thomas Miller: *Methadone, wine and welfare*, in: Robert S. Weppner (ed.): *Street ethnography*. Beverly Hills 1977, pp. 229-248.
- Report on decriminalisation. European committee on crime problems. Strasbourg 1980.

- Ruller, Sibo van: Het aantal gevangenen in Nederland sinds 1837. Een analyse van 140 jaar gevangenisstatistieken, in: *Tijdschrift voor Criminologie* 23 (1981), pp. 209-223.
- Ruller, Sibo van + Pieter Ippel: Diefstal, doodstraf en lijfsgenade in de 19e eeuw, in: *Tijdschrift voor Sociale Geschiedenis* 33 (1984), pp. 3-33.
- Samenvoering en Criminaliteit. Een beleidsplan voor de komende jaren. Tweede Kamer, Vergaderjaar 1984-1985, 18995, --- 1-2.
- Sharpe, James, A.: The history of crime in late medieval and early modern England. A review of the field, in: *Social History* 7 (1982): 187-203.
- Sharpe, James A. *Crime in early modern England, 1550-1750*. London, New York 1984.
- Spierenburg, Pieter: *The Spectacle of Suffering. Executions and the Evolution of Repression: from a Preindustrial Metropolis to the European experience*. Cambridge 1984a.
- Spierenburg, Pieter (ed.): *The Emergence of Carceral Institutions: Prisons, Gallies and Lunatic Asylums 1550-1900*, Rotterdam 1984b.
- Stone, Lawrence: Interpersonal violence in English society, 1300-1980, in: *Past and Present* 101 (1983), pp. 22-33.
- Sundin, Jan: Theft and penury in Sweden 1830-1920. A comparative study at the county level, in: *Scandinavian Journal of History* I (1976): 265-292.
- Wagenaar, Jan: *Amsterdam in zyne Opkomst, Aanwas, Geschiedenissen, Voorregten, Koophandel, Gebouwen, Kerkenstaat, Scholen, Schutterye, Gilden en Regeeringe*. 13 vols. Amsterdam 1760-1768.
- Zehr, Howard: *Crime and the development of modern society. Patterns of criminality in nineteenth century Germany and France*. London 1976.